

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

NOBLE DREW ALI A, MOORISH	:	
SCIENCE TEMPLE OF AMERICA AND	:	
SHEIK C. BARNES BEYs,	:	
	:	
Plaintiffs,	:	
	:	CIVIL ACTION
v.	:	DOCKET NO. 18-05655
	:	
MARY MONGIOVI, MARK SHIVERS,	:	
HOWARD F. KNISELY, CRAIG W.	:	
STEDMAN, CAITLIN BLAZIER, ALAN	:	
BLANK, MOVELOOK, DAVID MILLER,	:	
MARK J. WILSON, BRETT I. COLE,	:	
TERI LANDON-MILLER, ANDY	:	
WAGNER, SNYDER, TOM RUDZINSKI,	:	
DAVID KILGORE, MARSHALL	:	
RIEGER, DEZERAY DAVIS, STEVEN J.	:	
GOLIGHTLY, DEPARTMENT OF	:	
CHILD SUPPORT SERVICES, MICHAEL	:	
WILKENING, NAKISHA DICKENS AND	:	
SHERRI CARTER	:	
	:	
Defendants.	:	

ORDER

AND NOW, this _____ day of _____, 2019 upon consideration of Plaintiffs’ Praecipe to Enter Writ of Emergency Mandamus Exhibits and Notice of Emergency Injunction Removal to Federal Court Pursuant to Title 24 1441, 1443 and 1446 to the Clerk of Courts” and the Response filed by Defendants Craig W. Stedman, Caitlin Blazier, Alan Blank, Mark J. Wilson, Brett I. Cole, Teri Landon-Miller, and Andy Wagner it is hereby ORDERED AND DECREED that Plaintiffs’ Pleading is hereby DENIED.

J.

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BLANK, MOVELOOK, DAVID MILLER,	:	
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DAVID KILGORE, MARSHALL	:	
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GOLIGHTLY, DEPARTMENT OF	:	
CHILD SUPPORT SERVICES, MICHAEL	:	
WILKENING, NAKISHA DICKENS AND	:	
SHERRI CARTER	:	
	:	
Defendants.	:	

**RESPONSE TO PLAINTIFFS' PRAECIPE TO ENTER WRIT OF EMERGENCY
MANDAMUS EXHIBITS AND NOTICE OF EMERGENCY INJUNCTION REMOVAL
TO FEDERAL COURT PURSUANT TO TITLE 28 1441, 1443 AND 1446 TO THE
CLERK OF COURTS OF DEFENDANTS CRAIG W. STEDMAN, CAITLIN BLAZIER,
ALAN BLANK, MARK J. WILSON, BRETT I. COLE, TERI LANDON-MILLER,
AND ANDY WAGNER**

NOW COME Defendants, Craig W. Stedman, Caitlin Blazier, Alan Blank, Mark J. Wilson, Brett I. Cole, Teri Landon-Miller, and Andy Wagner, (collectively, "Defendants") by and through their attorneys, The MacMain Law Group, LLC, respectfully submit this Response to Plaintiffs' filing entitled "Praecipe to Enter Writ of Emergency Mandamus Exhibits and Notice of Emergency Injunction Removal to Federal Court Pursuant to Title 24 1441, 1443 and 1446 to the Clerk of Courts" and in support thereof aver as follows:

1. On February 15, 2019, Plaintiffs' filed an Amended Complaint against Defendants in which they appear to assert certain violations of the First Amendment to the United States Constitution.

2. The substance of Plaintiffs' Amended Complaint appears to be that certain, unspecified Defendants have harmed Plaintiffs by identifying or docketing information concerning actions or offenses in which Plaintiffs are identified or names as parties.

3. None of the Defendants are mentioned in the entirety of the body of the Amended Complaint.

4. Plaintiffs are seeking monetary damages of \$250,000 against Defendants.

5. On March 18, 2019, Defendants filed a Motion to Dismiss Plaintiffs' Amended Complaint pursuant to Federal Rules of Civil Procedure 12(b)(6) and 8 which motion is presently pending before this Honorable Court.

6. Plaintiffs now file the present Praecipe to Enter Writ of Emergency Mandamus Exhibits and Notice of Emergency Injunction Removal to Federal Court Pursuant to Title 24 1441, 1443 and 1446 to the Clerk of Courts ("Writ").

7. The Writ appears to be an attempt by Plaintiffs to address issues arising out of a California State matter, docketed at 15 FL 02801, in connection with certain child custody issues ("California State Case").

8. Plaintiffs are asking the Court to join the California State Case with the present case and to assume jurisdiction over the parties and the claims brought therein.

9. Removal of a state court case to federal court is governed by 28 U.S.C. §1446, which provides in relevant part that removal of an action must be made by petition "within 30 days after receipt by the defendant, though service or otherwise, of a copy of the initial pleading."

Further, “[t]he thirty-day limitation is mandatory and the court is without discretion to expand it.” *Topfer v. Topfer*, 2018 U.S. Dist. LEXIS 208728, 7, n.5 (M.D.Pa. Dec. 10, 2018), citing, *DiLoreto v. Costigan*, No. CIV.A. 08-0989, 2008 U.S. Dist. LEXIA 67070 (E.D.Pa. Aug. 29, 2008) citing, *Collins v. Am. Red Cross*, 724 F.Supp. 353, 359 (E.D.Pa. 1989).

10. Per Plaintiffs’ Writ, the California State Case was filed in 2015, thus removal is untimely pursuant to 28 U.S.C. §1446(b).

11. This Court lacks subject matter jurisdiction over Plaintiffs’ California State Case claims pursuant to the well-established *Rooker-Feldmen* Doctrine, which provides a four-part federal jurisdiction test: “(1) the federal plaintiff lost in state court; (2) the plaintiff complains of injuries caused by the state court judgments; (3) those judgments were rendered before the federal suit was filed; and (4) the plaintiff is inviting the district court to review and reject the state court judgments.” *Topfer* at 10, citing. *Great E. Mining & Mineral Co. v. Fox Rothchild LLP*, 615 F.3d 159, 166 (3d Cir. 2018), citing, *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284, 125 S.Ct. 1517, 161 L.Ed. 2d 454 (2005).

12. While Plaintiffs’ numerous allegations are challenging to decipher, it is clear that all four parts of the *Rooker-Feldmen* analysis has been met and this Honorable Court lacks jurisdiction.

13. In the alternative, to the extent the California State Case is still on-going, Plaintiffs’ writ is properly denied pursuant to the *Younger* abstention doctrine which is a “legal doctrine granting federal courts discretion to abstain from exercising jurisdiction over a claim when resolution of that claim would interfere with an ongoing state proceeding. *Fannie Mae v. Boldrini*, 2018 U.S.Dist. LEXIS 4519, 7 (M.D.Pa. January 9, 2018), citing *Younger v. Harris*, 401 U.S., 37, 41, 91 S.Ct. 746, 27 L.Ed. 2d 669 (1971).

14. Finally, as made certain by the Court of Appeal for the Third Circuit, “[a] federal district court has discretion to abstain from exercising jurisdiction over a particular claim where resolution of that claim in federal court would offend principles of comity by interfering with an ongoing state proceeding.” *Fannie Mae*, at 7-8, citing *Addiction Specialists, Inc. v. Twp. of Hampton*, 411 F.3d 399, 408 (3d Cir. 2005) citing *Younger*, at 37.

WHEREFORE, Defendants Craig W. Stedman, Caitlin Blazier, Alan Blank, Mark J. Wilson, Brett I. Cole, Teri Landon-Miller, and Andy Wagner respectfully request this Honorable Court deny Plaintiff’s Praecipe to Enter Writ of Emergency Mandamus Exhibits and Notice of Emergency Injunction Removal to Federal Court Pursuant to Title 24 1441, 1443 and 1446 to the Clerk of Courts”.

Respectfully submitted
THE MACMAIN LAW GROUP, LLC

Dated: April 26, 2019

By: /s/ David J. MacMain
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Brett I. Cole, Terri Landon-Miller and Andy
Wagner*

CERTIFICATE OF SERVICE

I, David J. MacMain, Esquire, hereby certify that on this 26th day of April 2019, a copy of the foregoing *Motion to Dismiss* was served upon the following via first class mail and ECF notification:

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*Attorney for Magisterial District Judge Mary Mongiovi Sponaugle,
Honorable Howard Knisely and Magisterial District Judge David Miller*

THE MACMAIN LAW GROUP, LLC

Dated: April 26, 2019

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